IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.384 OF 2005

Rehman Khan Shavali Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Niranjan Mundargi for Applicant.

Mr.R.Y.Mirza, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 31, 2005.

P.C.

1. Heard Counsel for the parties.

2. It is seen that the Applicant was on bail all through out, till he came to be arrested on 1st January 2005, pursuant to non-bailable warrants issued by the Trial Court, as it was noticed that the Applicant did not attend the Court for quite sometime and inspite of issuing proclamation. The explanation offered by the Applicant is that he was under wrong impression that the criminal action

against him is terminated. Besides, it is stated that no proper procedure was observed by the prosecution for issuance of proclamation or in relation to submitting the report of absconsion of the Applicant before the Trial Court, whereas, the Applicant is permanent resident of Kurla, Mumbai and staying along with his family members.

3. Without going into the correctness of the various circumstances pointed out by the Applicant, in the peculiar facts of the present case, the Applicant can be shown indulgence, if he were to observe strict conditions of reporting to the concerned Police Station once in a week and also appears on all dates before the Trial Court, without fail. In case, the Applicant commits even one default for reporting to the Police Station or the Trial Court, it will be open to the Trial Court to issue non-bailable warrants and for the Police Authorities to arrest the Applicant forthwith.

4. Accordingly, this Application is granted by directing release of the Applicant on same terms, on which bail was granted to the Applicant

by the Trial Court on the earlier occasion, but upon furnishing fresh surety. In addition, the Applicant shall observe the conditions mentioned hereinbefore, failing which, consequential steps be taken by the Trial Court in accordance with law.

5. The Applicant shall also extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.